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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,976	02/14/2002	Michael J. May	83581SLP	9258

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Thomas H. Close
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

EXAMINER

TAWFIK, SAMEH

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 03/12/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant(s) N .

10/075,976

Applicant(s)

MAY, MICHAEL J.

Examiner

Sameh H. Tawfik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 9-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8, 23, and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 2, and 8, last two lines of each claim “..a printing, displaying, transmitting, and storing the package wrapper.” is vague, indefinite, and/or confusingly worded because it is not clear if “the package wrapper” is a physical structure or electronic data.

(claim 4, lines 2 and 3) “an image.” is indefinite because it is not clear what image is the “an image.”, is it a different image than what was claimed in claim 1, if that is the case then there is no support in the specification for such an arrangement.

In claim 8 since no “image” has been positively recited, the forming of the “windowed image” and the “package wrapper comprising the windowed image” is indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jennel (6,102,536).

Jennel discloses a method of producing a package wrapper comprising the steps of displaying an image in a display area of an imaging device (Figs. 1 and 2; via 22); displaying at least a portion of a package wrapper which includes the image thereon (Figs. 1 and 2; via 26a and 26b); selecting a package wrapper size (Figs. 5 and 5A; via different bag sizes made of wrapping paper); performing at least one of a printing, displaying, transmitting, and storing the package wrapper (Figs. 6 and 6A). Jennel does not disclose that a window on the image to produce a windowed image nor the window being movable relative to the image. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute Jennel's imaging device 22 by having window on the image to produce a windowed image and the window being movable relative to the image, as a matter of engineering design choice, since the examiner takes an official notice that the mentioned window on the image to produce a windowed image and the window being movable relative to the image is old, well known, and available in the art, for example in power point or ATM the customer can move the window relative to the image or options.

Regarding claim 2: at least one of a printing, displaying, transmitting, and storing of the package wrapper in accordance with the selected package wrapper size (Figs. 1, 2, 5, and 5A).

Regarding claim 4: at least one a printing, displaying, transmitting, and storing of an image (Figs. 1, 2, and 6).

Regarding claim 5: Jennel does not disclose that the step of selecting the package wrapper size is accomplished by inputting dimensions of a package. However, Jennel discloses different size of package (Figs. 5 and 5A). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Jennel's method of

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producing a package wrapper by having inputting dimensions of a package, as a matter of engineering design choice, since the examiner takes an official notice that inputting dimensions of a package in processor unit is old, well known, and available in the art.

Regarding claim 6: selecting at least one predefined image from a plurality of predefined images; and combining the selected at least one predefined image with the windowed image, see for example (Figs. 1, 2, and 6).

Regarding claim 7: Jennel does not disclose that generating personalized information with the images. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Jennel's method of producing a package wrapper by generating personalized information with the images, as a matter of engineering design choice, since the examiner takes an official notice that generating personalized information with the images is old, well known, and available in the art.

Response to Arguments

Applicant's arguments with respect to claims 1-8, 23, and 24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST.



Mickey Yu
Supervisory Patent Examiner
Group 3700